



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)	
Hideki MOROZUMI)	Technology Division: 2111
Application No. 10/821,571)	Examiner: R. Phan
Filed: April 9, 2004)	Atty. Docket No. NGBCP006
For: DATA PROCESSING METHOD)	Date: May 21, 2007
AND SYSTEM FOR INPUTTING)	Confirmation No. 1972
DATA TO PIECES OF DIGITAL)	
EQUIPMENT)	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 21, 2007.

Signed: _____

Diane Schwanbeck

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection set forth in the Final Office Action dated February 20, 2007, as supplemented on March 21, 2007. This request is being filed concurrently with a Notice of Appeal.

Claims 34-43 are pending in the subject application and all of the pending claims have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Saito et al.* ("*Saito*") (U.S. Patent Application Publication No. US 2004/0073697 A1). As will be explained in more detail in the Argument section set forth below, the anticipation rejection is improper because the *Saito* reference does not disclose each and every feature of the claimed subject matter.

ARGUMENT

Argument No. 1: Independent Claims 34, 38, and 42

The Examiner alleges that every feature specified in independent claims 34, 36, 38, 40, 42, and 43 is disclosed in paragraphs [0101]-[0104] and [0308]-[0312] of the *Saito* reference. Applicant respectfully disagrees with the Examiner's characterization of the *Saito* reference relative to the claimed subject matter. Paragraphs [0101]-[0104] of the *Saito* reference merely provide a general explanation of the on-the-go (OTG) function. Paragraphs [0308]-[0312] of the *Saito* reference merely show examples of electronic equipment that has been adapted to perform the OTG function. One of the examples of such electronic equipment is a digital camera.

Paragraph [0004] of the *Saito* reference teaches that a digital camera can be connected to a personal computer or a direct printer. This section, however, indicates that the digital camera can serve as both the host and the peripheral under the OTG function. As such, the *Saito* reference teaches that *the digital camera serves as the host when it is connected to the direct printer*.

In the claimed subject matter, the digital camera exemplified as the first device serves as the peripheral when it is connected to either a personal computer or a direct printer, as explained in Applicant's specification in connection with the description of Figures 8 and 10. The peripheral function corresponds to the claimed first interface function and the host function corresponds to the claimed second interface function. As such, *the claimed first device maintains the first interface function even when the second device is a direct printer*. Each of independent claims 34, 38, and 42 includes language that defines the case where the first interface device has the first interface function and the second device has the second interface function. As the cited paragraphs of the *Saito* reference are silent regarding this

functionality, the *Saito* reference does not support the anticipation rejection of independent claims 34, 38, and 42.

Argument No. 2: Independent Claims 36, 40, and 43

As noted above, the Examiner alleges that every feature specified in independent claims 34, 36, 38, 40, 42, and 43 is disclosed in paragraphs [0101]-[0104] and [0308]-[0312] of the *Saito* reference. Again, Applicant respectfully disagrees with the Examiner's characterization of the *Saito* reference relative to the claimed subject matter.

Each of independent claims 36, 40, and 43 includes language that specifies that the image data file and the control signal are transmitted from the first device to the direct printer through the use of a still image capture device class and the picture transfer protocol. This functionality is implemented while the first interface function is maintained (as explained above, the first device maintains the first interface function when the second device is a direct printer). As the cited paragraphs of the *Saito* reference are silent regarding this functionality, the *Saito* reference does not support the anticipation rejection of independent claims 36, 40, and 43.

Conclusion

For the reasons set forth above, the *Saito* reference does not disclose each and every feature of the subject matter defined in independent claims 34, 36, 38, 40, 42, and 43. It is axiomatic that a prior art reference must disclose each and every feature of the claimed subject matter to establish a *prima facie* case of anticipation under 35 U.S.C. § 102. Accordingly, the *Saito* reference does not raise a *prima facie* case of anticipation against the claimed subject matter.

In view of the foregoing, Applicant respectfully submits that claims 36-43 are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the

event a telephone conversation would expedite the prosecution of this application, Applicant's undersigned representative may be reached at **(408) 749-6902**. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. NGBCP006).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

A handwritten signature in black ink, appearing to read 'Peter B. Martine', with a stylized flourish at the end.

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